

The 20th January, 1982

No. 9(1)-81-6Lab/14989.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of The Chief Engineer, Haryana Irrigation, Chandigarh (ii) Executive Engineer W.J.C. Delhi Division No. 3 Alipur Road, Delhi.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 2 of 1978

between

SHRI FATEH SINGH, WORKMAN AND THE MANAGEMENT OF (i) THE CHIEF ENGINEER, HARYANA IRRIGATION, CHANDIGARH (ii) EXECUTIVE ENGINEER, W. J. C. DELHI

DIVISION, 3 ALIPUR ROAD, DELHI

Present—

Shri Khushi Ram for the workman.

Shri K. L. Madan for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/KNL/423-77/410, dated 5th January, 1978, under section 10(i)(c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Fateh Singh workman and the management of (i) The Chief Engineer, Haryana Irrigation Chandigarh (ii) Executive Engineer, W.J.C. Delhi Division, Alipur Road, Delhi. The term of the reference was :—

Whether the termination of services of Shri Fateh Singh was justified and in order, If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared, filed their respective pleadings and issues were framed on the basis of the same. My learned predecessor decided issues No. 1 in this reference whether Shri Khushi Ram Bansal, General Secretary Karmachari Union is legally competent to represent the workman in the reference, vide his order, dated 8th July, 1979 in favour of the workman. On 8th February, 1980 the workman representative stated that the workman had died and he wanted to make an application for bringing the legal Representatives of the deceased on record. On 22nd May, 1980 an application along with an affidavit was filed by the authorised representative of the workman for the above purpose. The management replied to that application on 20th June, 1980. I heard the Parties on this application and hold that the dispute raised by the deceased workman which has lead to this reference invloved a personal right of the workman to be reinstated which does not survive on his death and the same abates. The legal representative of the deceased are not competent to pursue the reference. The application is, therefore, disallowed. The reference is answered and returned in the above terms.

BANWARI LAL DALAL,

Dated the 14th December, 1981.

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 4327, dated 17th December, 1981

Forwarded (four copies) to the Secretary to Government of Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of I.D. Act

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

The 28th January, 1982

No. 9 (1)82-6Lab. 270.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s. Market Committee, Panipat.

IN THE COURT OF SHRI HARI SINGH KAUSHIK, PRESIDING OFFICER, LABOUR, COURT, HARYANA, FARIDABAD.

Reference No. 139 of 1981

between

SHRI RAMESH KUMAR WORKMAN AND THE RESPONDENT MANAGEMENT OF
M/S MARKET COMMITTEE, PANIPAT.

Shri Karan Singh for the workman.

Shri S. kaushal for the respondent menagement.

AWARD

This reference No. 139 of 1981 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. 1D/KNL/3/81/17696, dated 31st March, 1981 under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Ramesh Kumar workman and the respondent management of M/S Market Committee, Panipat. The term of the reference was :—

Whether the termination of services of Shri Ramesh Kumar was justified and in order? If not, to what relief is he entitled?

After receiving this reference, notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the issues were framed on 15th September, 1981. On 15th December, 1981 the case was fixed for the evidence of the respondent management. Then the representative of the workman made a statement in this Court that he had no instructions from the workman pursue his case. So he does not want to pursue his case and withdraw the same. In view of the above statement of the representative of the workman, I hold that neither the workman nor his representative is interested to pursue this case. So the reference is bad in law and the workman is not entitled for any relief. No order as to costs. This may be read an answer of this reference.

Dated 1st January, 1982

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endst. No. 10 dated 4th January, 1982

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 with the request that the receipt of the above said award may please be acknowledge within week's time.

HARI SINGH KAUSHIK,

Presiding Officer,
Labour Court Haryana,
Faridabad.

The 15th February, 1982

No. 9(4).82/6 Lab.-1340.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following Arbitration award of Shri G.C. Joshi, Ex-MLA and Ex-INTUC Chief Haryana, Yamunanagar, Sole Arbitrator in respect of the dispute between Shri Trilok Chand, workman and the management of M/s Rawel Industries, Private Ltd., Bahadurgarh.

BEFORE SHRI G. C. JOSHI, ARBITRATOR AND EX-M.L.A., YAMUNAGAR AND
EX-INTUC CHIEF, HARYANA, YAMUNANAGAR.

Between

THE WORKMAN SHRI TRILOK CHAND

And

THE MANAGEMENT OF RAWEL INDUSTRIES, PRIVATE LTD., BAHADURGARH

Present.—

From workman.—Shri Trilok Chand, the workman concerned alongwith Shri Chander Singh Joon, the representative.

From the management.—Shri Maninder Singh, Chief Executive, Rawel Industries, Private Ltd., Bahadurgarh alongwith Shri D. C. Chadha, the management representative.

AWARD

In pursuance of provisions of sub-section 3 of section 10 A of the Industrial Dispute Act, 1947, the following dispute was referred by the above parties to my arbitration,—*vide* arbitration settlement dated 23rd December, 1980 which was published in *Haryana Government Gazette (Extraordinary)*, Labour Department Notification No. IDRTK/110/81/17840—44, dated 31st March, 1981.

(a) Whether Shri Trilok Chand resigned from service of M/s. Rawel Industries Pvt. Ltd., Bahadurgarh on 29th October, 1980?

(b) If not, to what relief is he entitled?

On receipt of the arbitration notification reference notices were issued to the parties who put in their appearance and filed their pleading. Issues under reference were put on trial on 31st April, 1981 in Yamunanagar. Since the onus on issue No. (a) rested on the management, the management produced their witness on 20th August, 1981 at Bahadurgarh and requested further time for adducing further evidences for which next date of hearing was given on 10th October, 1981 to be held in Bahadurgarh but in the meantime both parties jointly in writing requested for adjournment since efforts were afloat for mutual settlement. Finally the case was taken up on 23rd January, 1982 when both parties submitted a memorandum of settlement Annexure A on that date which was confronted by me, and also a mutual settlement as Annexure B giving me the authority of further time till 31st March, 1982 to submit an award on the basis of the settlement as given in Annexure 'A' since in the earlier settlement under sub-section 3 of section 10 A of I. D. Act, the arbitrator was to make his award within a period of 6 months or within a period of such time as was extended by mutual agreement between the parties in writing.

I, therefore, in view of the settlement as in Annexure 'A' alongwith the settlement as in Annexure 'B' give my award in terms of the settlement as in Annexure 'A' which reads as under : —

In view of the pleading and contentions taken by the management in the above proceedings, the workman, Shri Trilok Chand, hereby withdraws the case as needing no arbitration any longer and there is no dispute left between the parties of any kind whatsoever.

Since the parties have to bear their own expenses no order as to costs.

Dated the 2nd February, 1982.

Dated the 3rd February, 1982.

Forwarded (4) copies to the Secretary to the Government, Haryana, Labour and Employment Department, Chandigarh, as required under Section 15 of the I. D. Act, 1947.

3rd February, 1982.

G. C. JOSHI,
Soil Arbitrator and,
Ex-M.L.A. and,
Ex-INTUCE Chief, Haryana,
Yamunanagar.

G. C. JOSHI
Soil Arbitrator and,
Ex-M.L.A. and,
Ex-INTUCE Chief, Haryana,
Yamunanagar.

ANNEXURE 'A'

BEFORE SHRI G. C. JOSHI, EX-M.L.A., 150, CHOTTILINE, MODEL TOWN,
YAMUNANAGAR (HARYANA)

In the matter of an arbitration proceedings under section 10-A of the I. D. Act, 1947.

SHRI TRILOK CHAND

versus

M/S RAWEL INDUSTRIES PRIVATE LTD., JHAJJAR ROAD, BAHADURGARH

Memorandum of Mutual Settlement

Sir,

The parties respectfully beg to submit that they have arrived at a mutual settlement, as given below :

Terms of Settlement

1. In view of the pleadings and contentions taken by the management in the above proceedings, the workman Shri Trilok Chand hereby withdraws the case as needing no arbitration any longer and there is no dispute left between the parties of any kind whatsoever.

Prayer

The parties jointly pray that an award in terms of the above settlement may kindly be given.

for RAWEL INDUSTRIES PVT. LTD.

(Sd.) . . . ,

S. MANINDER SINGH,

Chief Executive

(Sd.) . . . ,

TRILOK CHAND,

Concerned Workman.

(Sd.) . . . ,

D. C. CHADHA,

Authorised Representative.

(Sd.) . . . ,

CHANDER SINGH JOON,

Authorised Representative
of the concerned workman.

बाराह

(Sd.) . . . ,

JAI BHAGWAN SINGH,

23-1-82.

Bahadurgarh :

Dated the 23rd January, 1982.

G. C. JOSHI,

Former M.L.A.,
Yamuna Nagar.

ANNEXURE 'B'

BEFORE SHRI G. C. JOSHI, SOLE ARBITRATOR U/S 10-A OF THE I. D. ACT
IN THE MATTER OF ARBITRATION

between

SHRI TRILOK CHAND

.. Workman

versus

M/S. RAWEL INDUSTRIES PVT. LTD., BAHADURGARH .. Management

Sir,

Persuant to a Notification No. I.D./RTK/110/81, dated 31st March, 1981, the Haryana State Government had published an agreement dated 23rd [December, 1980] wherein both parties had nominated your goodself as Sole Arbitrator with a request to give an award within a period of six months or within such further time as extended by mutual agreement between us in writing.

Since for various reasons the proceeding were prolonged beyond six months we both parties hereby mutually agree that the award time may kindly be extended for the award to be given by 31st March, 1982.

For Rawel Industries Pvt. Ltd.

(Sd.)

D. C. CHADHA,
Authorised Representative.

(Sd.)

CHANDER SINGH JOON,
Authorised Representative.

(Sd.)

MANINDER SINGH,
Chief Executive.

(Sd.)

TRILOK CHAND,
Workman Concerned.
Bahadurgarh, dated 23rd January, 1982.

G. C. JOSHI,
Former M.L.A.,
Yamuna Nagar.

The 4th February, 1982

No. 9 (1) 82-6Lab. 831.—In pursuance of the provisions of section 17 of the Industrial disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/S Gadore Tools (India) Pvt. Ltd., Kundli (Sonapat)

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER,
LABOUR COURT, HARYANA, ROHTAK,

Reference No. 54 of 79

between

SHRI SHIV CHARAN RANGILA, WORKMAN AND THE MANAGEMENT
OF M/S GADORE TOOLS (INDIA) PVT. LTD., KUNDLI (SONEPAT).

Present.—

Shri Shiv Charan Rangila, workman in person.
Shri S. C. Malik, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—vide his order No. ID/SPT/32-79/10666 dated 6th March, 1979 under section 10 (i) (c) of the I.D. Act for adjudication of the dispute existing between Shri Shiv Charan Rangila, workman and the management of M/s Gadore Tools (India) Pvt. Ltd. Kundli. The term of the reference was.—

"Whether the termination services of Shri Shiv Charan Rangila was justified and in order? if not what relief is be entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared in response to the notices, filed their respective pleadings and issues were framed on the basis of their pleas. and the management was asked to adduce their evidence. After obtaining several adjournments the parties arrived at an amicable settlement and the statement of the workman was recorded on 4th January, 1982 as under.—

"I have received Rs. 2,104/- in full and final settlement of my entire claims including my right to reinstatement or re-employment. No dispute survives after this payment. Award may be passed accordingly."

In view of his statement no further adjudication is required as the parties settled the dispute referred to this court amicably. The reference is answered and returned accordingly.

The 9th January, 1982

BANWARI LAL DALAL,
Presiding Officer,
Labour Court Haryana, Rohtak.

Endst. No. 311, dated 18th January, 1982.

Forward (four copies) to the Secretary to Government, Haryana, Labour and Employment, Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court Haryana, Rohtak.